

REMARKS

Reconsideration is respectfully requested in light of the foregoing Amendment and remarks that follow.

Claims 1-11 are pending in the application, with claim 1 being the independent claim. Claims 1-2, and 4-11 have been amended. Claims 12 and 13 have been canceled. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Information Disclosure Statement

Applicant would like to thank the Examiner for the telephone conference on October 22, 2003 with regard to the Information Disclosure Statement, PTO-1449, Paper No. 2, filed 26 June 2000. The Examiner had initially lined out the two non-patent references cited in therein for failing to list the authors (RFM 1995 Data Book), and for failing to provide a publication date (Saito et al.). Applicants explained the location of this information, within the originally filed documents (some of which was not obvious because it was in small print or in Japanese). This information is repeated below for the Examiner's convenience:

- “A Micropower SAW-Stabilized Superregenerative Data Receiver”, RFM 1995 Data Book, pp. 1-11, July 1992, by **D. Ash & A. Coon** (located on upper left hand side of first page).
- “Information Communications Protocol”, **Tadao Saito and Mitshiro Ishizaka**, Ohm Co., p. 73. **October, 1994**.

Applicant respectfully submits that the Information Disclosure Statement is in proper condition for review by the Office, and request that an initialed copy accompany a future correspondence from the Office.

Rejections under 35 U.S.C. §103(a)

The Examiner presents two obviousness rejections:

1. Claims 1-8 and 10-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 6,404,739 issued to Gonno in view of US Patent No. 5,572,678 issued to Homma et al. (hereinafter “Homma”). See Office Action at ¶ 2.
2. Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gonno in view Homma, and further in view of US Patent No. 5,473,608 issued to Gagne et al. (hereinafter “Gagne”). See Office Action at ¶ 3.

Applicant respectfully submits that these rejections have been rendered moot or are accommodated by the above-entered amendments.

Alternatively, Applicant traverses these rejections. Applicant respectfully submits that the Examiner has not provided a *prima facie* case for obviousness in these two combinations. The following arguments first discuss the defects of the above-cited references, and second a detailed discussion of defects in each of the obviousness rejections.

There are technical differences between Gonno and the claimed invention which are now described. Gonno teaches a transmitter retransmitting packet data when the transmitter receives a retransmission request (NAK signal) from one or more receivers. Here, the transmitter totals/sums the requests and determines the packets to be retransmitted. See Gonno, col. 9, lns. 25-35. In addition, the transmitter sends the determined packets. See Gonno, col. 9, lns. 36-38.

In contrast, the claimed invention includes a main station and one or more substations connected by a common transmission line. See Fig. 1. The main station transmits data and a query message on the transmission line. The one or more substations receive the same transmission data and the same query message respectively. Accordingly, when either the data or the messages are transmitted from the main station to the one or more substations, one output signal reaches each of the one or more substations. Thus, there are no collisions of transmissions

from the main station to the one or more substations. Additionally, when the one or more substations transmit response messages to the main station, the possibility of collisions is eliminated by the use of carriers as response messages. See page 5, lns. 10-13. According to the claimed invention, the main station can detect the response messages even if a collision (in time) occurs on the transmission line. Thus, the main station can detect any abnormal receptions which occur when one or more messages are received at once. The result of this configuration is that the main station does not need to identify the substations which require retransmission, because transmission data are always transmitted to all of the one or more substations at the same time.

These features are not taught or suggested by Gonno. Gonno's system would appear to require a query of each substation individually to confirm the receipt of data. Since Gonno does not provide the features of the claimed invention, Gonno cannot provide the corresponding benefits.

With respect to claims 1-8 and 10-11, and in light of the distinctions between the claimed invention and Gonno, the obviousness rejection combining the teachings of Homma and Gonno is now addressed. The Examiner states that Homma fills a gap in Gonno, where Gonno does not teach explicitly the main station, after transmitting data, transmitting a message. See Office Action, ¶ 2.a.

Homma appears to be directed to a data communications system in which a retransmission request is transmitted from a receiver terminal to a sender terminal. Homma specifically describes its system in terms of a Point-to-Point channel for transmitting this retransmission request. See Homma, col. 6, lns. 34-39. While collisions do not occur in this system, it is a result of the channel implementation, which is quite distinct from the carriers of the claimed invention. Channel systems are limited to divided block transmissions commonly employed in time-division configurations. Thus, Homma does not teach or describe a system in

which several substations can transmit response messages at the same time on the same transmission line. Applicant respectfully submits that the Homma fails to teach the gap in Gonna, and that the combination of Gonna and Homma fail to teach all of the elements of the claimed invention.

Furthermore, Applicants respectfully submit that the Examiner has not provided a proper reason as to why one of ordinary skill in the art would combine Gonna and Homma. Applicant reminds the Examiner that the question is not what could be combined, but whether it would be obvious to combine in light of the relevant factors. By long stated rule:

The test for obviousness is not whether the features of one reference may be bodily incorporated into another reference ... Rather, we look to see whether combined teachings render the claimed subject matter obvious.

In re Wood, 599 F.2d 1032, 202 USPQ 171, 174 (CCPA 1979). Applicants respectfully submit that Homma cannot be incorporated into Gonna because their teachings address different problems and are not analogous. Gonna teaches a receiver/transmitter architecture. Homma teaches the creation of frames to enable a Point-to-Point network architecture.

Furthermore, the motivation cited by the Examiner at ¶ 2.a of the Office Action that “such a protocol would provide for a broadcast or multicast communications service of high reliability as taught by Homma” suffers from hindsight. As stated by the Federal Circuit:

Defining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness.

Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877, 45 USPQ.2d 1977, 1981-82 (Fed. Cir. 1998). The above-stated motivation is not provided by Gonno, and

Applicants respectfully submit that this motivation does not lead one to the claimed invention, which employs a different architecture to solve a different problem than Homma.

With respect to the rejection of claim 9 with the combination of Gonno and Homma in view of Gagne, Applicants respectfully submit that this combination suffers the same defects discussed above with regard to claims 1-8 and 10-11.

Gagne appears to teach methods for load distribution managers as agents on large networks. Gagne neither teaches nor discloses the use of carriers and a common transmission line. Applicant's respectfully submit that it would not be obvious to one of ordinary skill to combine a teaching of controlled information flow with Gonno and Homma to arrive at the changing of the number of retransmission as in the claimed invention. Indeed, Gagne's discussion of communication primitives does not explicitly make use of retransmission limits to accomplish the results of the claimed invention. More specifically, Gagne does not disclose a system in which several substations can transmit response messages on carriers at the same time on the same transmission line. Thus, Gagne does not fill the gaps remaining between Gonno and Homma.

In addition, there is no proper motivation provided to combine Gagne with Gonno and Homma. While Gagne does teach a method for load distributions, nothing in the cited references urges their combination to incorporate the teachings of load distributions with the teachings of Gonno or Homma. As discussed above, improper hindsight is revealed by a solution specific combination. Absent the solution, benefits, and apparent motivation provided by the claimed invention, Applicant respectfully submits that there is nothing that brings the cited references together.

For at least the above reasons, Applicant respectfully submits that claims 1-11 are believed to be patentable over the applied combinations. Furthermore, the claims depending from the independent claims are believed to be allowable for at least the reasons described above, and further in view of their own respective features. Withdrawal of the rejection is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,



James R. Burdett
(Registration No. 31,594)

VENABLE LLP
Post Office Box 34385
Washington, DC 20043-9998
Telephone: (202) 962-4800
Direct dial: 202-344-4893
Telefax : (202) 962-8300

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